

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SHAVANTE AUSTON o/b/o B.K.J.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. C25-0354-KKE

ORDER GRANTING UNOPPOSED  
MOTION TO DISMISS FOR  
FAILURE TO EXHAUST  
ADMINISTRATIVE REMEDIES

Plaintiff filed this action without attorney representation, on behalf of a minor seeking review of the Commissioner's denial of an application for Supplemental Security Income. Dkt. No. 4. In lieu of an answer, the Commissioner filed a motion to dismiss because Plaintiff did not complete the required steps of administrative review, and instead directly filed this civil action approximately two years after the application was denied. *See* Dkt. No. 10. Plaintiff did not file an opposition to the Commissioner's motion.

To exhaust administrative remedies, a claimant must complete a four-step administrative review process that involves: (1) an initial determination; (2) reconsideration; (3) a hearing before an administrative law judge ("ALJ"); and (4) requesting Appeals Council review of the ALJ's decision. *See* 20 C.F.R. § 416.1400(a). After a claimant has completed these steps, the claimant "may request judicial review by filing an action in a Federal district court." *Id.* § 416.1400(a)(5).

1 The Commissioner has submitted un rebutted evidence that Plaintiff did not complete at least the  
2 third or fourth steps of administrative review: requesting a hearing before an ALJ, and requesting  
3 Appeals Council review of an unfavorable ALJ's decision issued after a hearing. Dkt. No. 10-1.  
4 The Commissioner does not explicitly indicate whether Plaintiff completed the second step. *Id.*

5 Plaintiff's failure to exhaust administrative remedies deprives this Court of jurisdiction.  
6 The Social Security Act authorizes judicial review of a "final decision of the Commissioner of  
7 Social Security made after a hearing[.]" 42 U.S.C. § 405(g). This remedy is exclusive and must  
8 be strictly construed. *See* 42 U.S.C. § 405(h) ("No findings of fact or decision of the Commissioner  
9 shall be reviewed by any person, tribunal, or governmental agency except as herein provided.");  
10 *Lane v. Pena*, 518 U.S. 187, 192 (1996) ("[A] waiver of the Government's sovereign immunity  
11 will be strictly construed, in terms of its scope, in favor of the sovereign."). A court must dismiss  
12 a complaint when a claimant has not exhausted the administrative appeals needed to obtain a final  
13 decision. *See, e.g., Metko v. Soc. Sec. Admin.*, 362 F. App'x 870, 871 (9th Cir. 2010).

14 Because the undisputed record before the Court indicates that Plaintiff failed to exhaust  
15 administrative remedies, the Commissioner's decision is not subject to judicial review. The Court  
16 lacks subject matter jurisdiction to resolve this administrative appeal, and therefore GRANTS the  
17 Commissioner's motion to dismiss. Dkt. No. 10.

18 Dated this 23rd day of May, 2025.

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21 KyMBERLY K. EVANSON  
22 United States District Judge  
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